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EXAMINER

WOZNIAK, JAMES S

ART UNIT PAPER NUMBER

2655

DATE MAILED: 12/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/037,284

Applicant(s)

KOTSINADELIS, PETER

Examiner

James S. Wozniak

Art Unit

2655

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3/14/03, 5/8/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. **Claims 7, 8, 27, 28, 33 and 37** are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim, or amend the claim to place the claim in proper dependent form, or rewrite the claim in independent form.

The infringement test for determining a proper dependent claim as per the MPEP 608.01 (n), Section III, states that a such a claim cannot conceivably be infringed by anything that would not also infringe the claim it references. In this case, an apparatus or computer readable medium, such as a CD-ROM, would not infringe the method steps of Claims 1, 20, 29, or 34, since the apparatus or program product *itself* never actually performs any of the active steps required by Claims 1, 20, 29, and 34. In other words *possession* of such an apparatus or computer readable medium would infringe Claims 7, 27, 33, and 37, and 8 and 28, respectively, but not Claims 1, 20, 29, or 34.

Therefore, Claims 7, 8, 27, 28, 33, and 37 are improper dependent claims.

2. **Claim 3** is objected to because of the following informalities: “the first voice command” in Lines 2-3 of the claim should be corrected to read “the third voice command” as per the similarly recited subject matter of claim 23. The aforementioned claim limitation will be considered as “the third voice command” for the application of the prior art.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. **Claims 1-6, 9, 10, 12-16, 18, and 20-26** are rejected under 35 U.S.C. 102(b) as being anticipated by Peck et al (*U.S. Patent: 5,748,843*).

With respect to **Claim 1**, Peck discloses:

Receiving a first voice command, wherein the first voice command is associated with at least a second voice command and the second voice command is associated with at least one item of work to be performed by a computational component (*single operator speech command corresponding to multiple speech commands, Col. 12, Lines 25-31*); and

In response to the first voice command, performing the at least one item of work without receiving the second voice command (*Col. 13, Lines 1-7*).

With respect to **Claim 2**, Peck recites:

The first voice command is associated with a macroinstruction or set of macroinstructions (*Col. 13, Lines 1-7*).

With respect to **Claim 3**, Peck discloses:

Comparing a third voice command with a macrolibrary to determine whether the *third* voice command is in the macrolibrary (*macro memory and determination of the presence of a macro identifier, Col. 12, Line 32- Col. 13, Line 7, and Fig. 6, Element 94*).

With respect to **Claim 4**, Peck shows:

Performing a work item associated with the third voice command (*Fig. 6, Elements 94 and 92*).

With respect to **Claim 5**, Peck discloses:

Determining if the third voice command corresponds to creating a macroinstruction (*learn mode, Col. 12, Lines 32-67*);

When the third voice command does not correspond to creating a macroinstruction, executing a macroinstruction associated with the third voice command (*Fig. 6, Elements 94 and 96*).

With respect to **Claim 6**, Peck recites:

Requesting a name of a macroinstruction (*macro definition voice reference pattern, Col. 12, Lines 32-54*).

With respect to **Claim 9**, Peck discloses:

A macrolibrary containing at least one voice command associated with one or more macroinstructions, the one or more macroinstructions referencing instructions associated with a plurality of voice commands other than the at least one voice command (*macro memory, Col. 12, Lines 25-67*).

With respect to **Claim 10**, Peck recites:

A voice agent operable to (a) receive a voice command from a voice recognition component, the voice command being associated with the one or more macroinstructions in the macrolibrary, (b) associate the voice command with the one or more macroinstructions, and (c)

cause the performance of at least one work item associated with the one or more macroinstructions (*Col. 13, Lines 1-7, and Fig. 3, Element 14*).

With respect to **Claim 12**, Peck discloses:

Voice recognition means for performing voice recognition on a voice command, the voice command being associated with at least one macroinstruction (*Fig. 2, Element 14 and Fig. 3, Element 14, and Col. 12, Line 25-Col. 13, Line 7*); and

Voice agent means for recognizing, based on at least part of the voice command, the at least one macroinstruction and causing the performance of at least one work item associated with the at least one macroinstruction (*Col. 13, Lines 1-7*).

With respect to **Claim 13**, Peck recites:

The voice recognition means compares detected voice signal patterns to predetermined voice signal patterns to identify at least a word in the voice command (*Col. 13, Lines 1-7*).

With respect to **Claim 14**, Peck discloses:

The voice agent means comprises creating means for creating a new macroinstruction (*learn mode, Col. 12, Lines 32-67*).

With respect to **Claim 15**, Peck discloses:

Memory means for storing the at least one macroinstruction (*macro memory, Col. 12, Lines 32-54*).

Claim 16 contains subject matter similar to Claim 12, and thus, is rejected for the same reasons.

With respect to **Claim 18**, Peck recites:

A macro library containing the at least one macroinstruction and the associated at least part of the voice command (*macro memory, Col. 12, Lines 32-54*).

With respect to **Claim 20**, Peck discloses:

Receiving a first voice command associated with at least a first macroinstruction; and executing the at least first macroinstruction (*Col. 13, Lines 1-7*).

Claim 21 contains subject matter similar to Claim 1, and thus, is rejected for the same reasons.

With respect to **Claim 22**, Peck recites:

Comparing the first voice command with a macrolibrary containing a listing of voice commands and corresponding macroinstructions (*Col. 12, Line 32- Col. 13, Line 7*).

Claims 23-25 contain subject matter similar to Claims 3-5, and thus, are rejected for the same reasons.

With respect to **Claim 26**, Peck shows:

Requesting a name of at least a fourth macroinstruction (*the ability to continually add macroinstructions until a "done" command is recognized, Fig. 6, Elements 84, 88, 90, which would inherently contain the ability to request the name of a fourth macroinstruction*).

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. **Claims 29-32** are rejected under 35 U.S.C. 102(e) as being anticipated by Ortega (*U.S. Patent: 6,263,375*).

With respect to **Claim 29**, Ortega discloses:

Receiving at least one spoken word associated with creating a voice macroinstruction (*Col. 3, Lines 29-31, and Fig. 3, Element 76*);

Requesting a voice command corresponding to the voice macroinstruction (*Col. 3, Lines 31-49, and Fig. 3, Element 78*); and

Requesting a plurality of work items to be performed in response to the voice macroinstruction (*Col. 3, Lines 31-44, and Fig. 3, Element 82*).

With respect to **Claim 30**, Ortega recites:

Comparing a voice signal associated with the at least one spoken word with a predetermined voice signal to detect the at least one spoken word (*recognition of a create macro command, Col. 3, Lines 29-31. Also it would be inherent that the voice signal would need to be predetermined in order to provide a recognition result at the time of a user command dictation*).

With respect to **Claim 31**, Ortega discloses:

When the voice command is detected, the voice macroinstruction is to be executed (*Col. 3, Lines 39-44, and Fig. 3, Element 82*).

With respect to **Claim 32**, Ortega recites:

The plurality of work items are associated with at least a second voice command (*multiple speech commands corresponding to text characters, Col. 3, Lines 2-6, and Fig. 4*).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. **Claims 11 and 17** are rejected under 35 U.S.C. 103(a) as being unpatentable over Peck et al in view of Johnson (*U.S. Patent: 5,835,571*).

With respect to **Claim 11**, Peck teaches the speech macro system as applied to Claim 9. Peck does not teach the use of voice macros with a speech based menu system (portal) and telephony switch, however Johnson teaches such an implementation (*voice macros, Col. 11, Lines 37-57, and PBX switch, Col. 2, Lines 44-48*).

Peck and Johnson are analogous art because they are from a similar field of endeavor in speech recognition systems utilizing macros. Thus, it would have been obvious to a person of ordinary skill in the art, at the time of invention, to modify the teachings of Peck with the use of a menu-based speech recognition macro system with a telephony switch as taught by Johnson to implement a practical and well known telephone based interactive menu embodiment, wherein the use of macros provide for efficient menu navigation.

With respect to **Claim 17**, Peck teaches the speech macro system as applied to Claim 16. Peck does not teach the use of voice macros with a telephony switch, however Johnson teaches such an implementation (*voice macros, Col. 11, Lines 37-57, and PBX switch, Col. 2, Lines 5-48*).

Peck and Johnson are analogous art because they are from a similar field of endeavor in speech recognition systems utilizing macros. Thus, it would have been obvious to a person of ordinary skill in the art, at the time of invention, to modify the teachings of Peck with the use of a speech recognition macro system with a telephony switch as taught by Johnson to provide a means of easily communicating with and navigating through a telephone based interactive menu applications using speech macros.

9. **Claims 19 and 34-36** are rejected under 35 U.S.C. 103(a) as being unpatentable over Peck et al in view of Fitzpatrick et al (*U.S. Patent: 5,671,328*).

With respect to **Claim 19**, Peck teaches the ability to create a macro as applied to Claim 5, and edit a macro utilizing a similar method (*Col. 22, Lines 47-53*). Although Peck does not teach a means for deleting a macro, Fitzpatrick discloses such a means (*Col. 6, Lines 12-22*).

Peck and Fitzpatrick are analogous art because they are from a similar field of endeavor in speech macro creation. Thus, it would have been obvious to a person of ordinary skill in the art, at the time of invention, to modify the teachings of Peck with the means for deleting a macro as taught by Fitzpatrick in order to implement an efficient means of memory management by providing the ability to delete macros which are outdated or seldom used.

With respect to **Claim 34**, Peck discloses:

Receiving from a user at least one spoken word associated with editing a first voice macroinstruction (*learn mode initiation, Col. 12, Lines 32-54*);

Requesting of the user a first voice command corresponding to the first voice macroinstruction (*macro definition voice reference pattern, Col. 12, Lines 32-54*);

While Peck does teach the ability to edit all of the words within a macro sequence (*Col. 12, Lines 32-54, and Col. 22, Lines 47-53*), the means of presenting to the user speech commands embedded within the macro is not specifically suggested, however Fitzpatrick discloses:

Presenting to the user at least second and third voice commands embedded in the first voice command (*listing template entries representing speech commands, Col. 6, Lines 4-11, wherein the template entries are part of a complex macro, Col. 3, Lines 6-28, and Fig. 2*); and

Receiving from the user, for each of the at least second and third voice commands, an edit command (*Col. 6, Lines 42-53, and Fig. 4, Element 560*).

Peck and Fitzpatrick are analogous art because they are from a similar field of endeavor in speech macro creation. Thus, it would have been obvious to a person of ordinary skill in the art, at the time of invention, to modify the teachings of Peck with the ability to present and edit commands embedded within a complex macro as taught by Fitzpatrick to implement a user-friendly speech controlled interface by allowing a user to change and personalize existing commands within a macro sequence (*Fitzpatrick, Col. 3, Lines 23-28*).

With respect to **Claim 35**, Peck further discloses:

Comparing a voice signal associated with the at least one spoken word with a predetermined voice signal to detect the at least one spoken word (*learn mode reference pattern, Col. 12, Lines 32-54*).

With respect to **Claim 36**, Peck further discloses:

When the first voice command is detected, the first voice macroinstruction is to be executed (*Col. 13, Lines 1-7*).

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

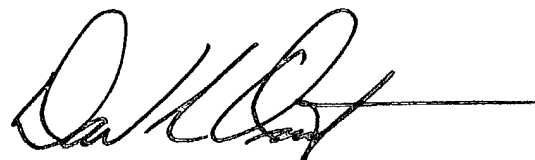
- DeArmas et al (*U.S. Patent: 5,873,064*)- teaches a method for the creation of speech macros.
- Schottmüller et al (*U.S. Patent: 5,920,841*)- discloses a method for the editing of speech macros.
- Bryan et al (*U.S. Patent: 6,658,414*)- teaches the use of speech macros in a voice portal application.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James S. Wozniak whose telephone number is (703) 305-8669 and email is James.Wozniak@uspto.gov. The examiner can normally be reached on Mondays-Fridays, 8:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doris To can be reached at (703) 305-4827. The fax/phone number for the Technology Center 2600 where this application is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the technology center receptionist whose telephone number is (703) 306-0377.

James S. Wozniak
12/21/2004


DAVID L. OMETZ
PRIMARY EXAMINER